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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION TWO

In re S.S, a Person Coming Under the
Juvenile Court Law.

THE PEOPLE,

Plaintiff and Respondent,

v.

S.S.,

Defendant and Appellant.

E061276

(Super.Ct.No. J253799)

OPINION

APPEAL from the Superior Court of San Bernardino County. Erin K. Alexander,
Judge. Affirmed.

Dawn S. Mortazavi, under appointment by the Court of Appeal, for Defendant and
Appellant.

No appearance for Plaintiff and Respondent.

On March 14, 2014, the People filed a petition in San Bernardino County charging defendant and appellant S.S. (minor) with one misdemeanor count of making a criminal threat under Penal Code 422. Minor denied the allegation.

The juvenile court held a jurisdictional hearing on April 8 and 9, 2014. The court found the allegation to be true. On May 7, 2014, the court held a dispositional hearing. The court placed minor on non-ward probation under Welfare and Institutions Code section 725.

On appeal, minor challenges the jurisdictional and dispositional findings.

FACTUAL AND PROCEDURAL HISTORY

A. THE PEOPLE'S CASE

In March of 2014, minor lived in Hesperia, California with her father, mother, her 19-year-old brother, her 16-year-old sister C., and her 12-year-old sister A.

Minor lived with her mother her entire life and until March of 2014 was a “good kid” who received good grades. Before March 11, 2014, minor’s attitude began to change and she became more argumentative. During this time, mother reported minor as a runaway to authorities two or three times.

On March 7, 2014, minor was temporarily living with Virginia C. With the assistance of deputy sheriffs, mother went to pick up her daughter from the Virginia C. home. The deputy sheriff spoke with minor and told mother to come back the next day, Saturday, so minor would have a chance to gather her belongings. Later that day, minor told mother, over the phone, that mother would be sorry if she came to pick minor up. Minor also told mother that she had better sleep with one eye open. Mother decided to

allow minor to stay at the Virginia C. house. The following Monday, March 10, 2014, mother spoke with a child protective service worker. Based on this conversation, mother picked up minor.

On March 11, 2014, around 7:30 p.m., minor was out of control and mother contacted the sheriff's department for help. Minor was very argumentative and got in mother's face; minor told mother that she wanted to hit and kill mother. Minor then threw a rock she had in her hand at mother's car. Minor went inside the house and broke a picture frame hanging on the wall. Mother was scared and needed help with her daughter; she called the sheriff. Mother believed minor would benefit from being in jail.

Deputy Riedel came to minor's house on March 11, 2014, and helped to calm down the situation. The deputy successfully convinced minor to stay home and not run away. Once everything was under control, the deputy left the residence. That night, minor's siblings, C. and A., asked to sleep in the same room as mother and father. Mother was not scared when the deputy left and was comfortable with minor staying in the house.

Minor had previously accused mother and father of abuse, so a child protective services social worker was assigned to the family. That social worker had instructed mother to contact the authorities any time minor did not come home. Therefore, on March 12, 2014, mother contacted the sheriff's office around 5:00 p.m. to report minor as a runaway. Mother also reported the interactions from March 11, 2014. Mother, however, informed the sheriff's office that there was no immediate emergency. Mother also informed the operator that she was concerned about minor cutting herself then

accusing her parents of abuse. An hour later, mother called the sheriff's department again to report that minor had returned home.

Later that day, Deputy Sheriff Necochea came to talk to mother and prepared a formal sheriff's report of the March 11, 2014, incident with minor. Mother told the deputy that she did not know what minor was capable of and was afraid. Mother told Deputy Necochea that minor had threatened to kill mother and told mother to sleep with one eye open that night. Mother expressed fear that her daughter would hurt her; the entire family slept in mother's room out of fear of minor. The deputy placed minor under arrest for making criminal threats and took her into custody.

The following day, March 13, 2014, when mother spoke with the probation department, she was still nervous about minor's threats.

B. MINOR'S CASE

Minor did not testify on her own behalf.

On March 7, 2014, mother found out that minor had gotten two tattoos without mother's or father's permission. Mother contacted Virginia C., the person minor was staying with, and got into an argument with Virginia C.. Virginia C. told mother that she would have to contact the authorities in order to take minor home.

Mother then spoke with a social worker assigned to their family. The social worker told mother to contact the authorities and have them meet mother at Virginia C.'s house. Deputy Sheriff Montebrand met mother and father at the Virginia C. residence on March 7, 2014, around 8:00 p.m. The deputy spoke with minor and then came out and told the parents that minor was willing to come home, but she needed time to pack her

belongings. Mother agreed to come back the next day to pick up minor. Ten minutes later, minor called mother and told mother that minor would not be coming home; if she were to come home, mother had better sleep with one eye open. Mother contacted Deputy Montebrand and told him she would not pick up minor until Monday, when she would have time to speak with minor's social worker. On March 10, 2014, Virginia C. contacted mother to let her know that minor was home from school and willing to go back to mother's house. Mother picked up minor.

On March 11, 2014, minor only wished she could hit mother, but did not make a specific threat to kill anyone. Minor made an actual threat to kill on March 7, 2014, while minor spoke with mother over the phone. When mother described the events of March 2014 to Deputy Necochea, mother believed that the deputy mixed up which days minor said what to mother. Mother denied saying minor threatened her life on March 11, 2014.

DISCUSSION

Minor appealed and, upon her request, this court appointed counsel to represent her. Counsel has filed a brief under the authority of *People v. Wende* (1979) 25 Cal.3d 436 and *Anders v. California* (1967) 386 U.S. 738, setting forth a statement of the case, a summary of the facts and potential arguable issues, and requesting this court conduct an independent review of the record.

We offered minor an opportunity to file a personal supplemental brief, but she has not done so. Pursuant to the mandate of *People v. Kelly* (2006) 40 Cal.4th 106, we have independently reviewed the record for potential error and find no arguable issues.

DISPOSITION

The judgment is affirmed.

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MILLER
J.

We concur:

RAMIREZ
P. J.

McKINSTER
J.